

S&H Form: (10/03)
Attorney Docket No. 1046.1206

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Satoshi KUROYANAGI, et al.

Application No.: 09/467,972

Group Art Unit: 2633

Confirmation No.: 3079

Filed: December 21, 1999

Examiner: Reza Sedighian

For: OPTICAL PATH CROSSCONNECT SYSTEM WITH HIGH EXPANDING
CHARACTERISTIC

FAX RECEIVED

SEP 14 2004

OFFICE OF PETITIONS

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)

Box ISSUE FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby submit this Petition pursuant to 37 C.F.R. §1.313(c) requesting that the above-identified application in which the Issue Fee has been paid be withdrawn from issue, to permit consideration of an Information Disclosure Statement under §1.97 in a concurrently-filed Request for Continued Examination under 37 CFR §1.114.

The Issue Fee for the present application was paid on May 24, 2004, on which date an Information Disclosure Statement was filed citing 3 references on a Form PTO-1449 and the following additional reference on Attachment 1(g) (List of Additional Documents Submitted): "Notice of Reasons for Rejection dated March 16, 2004 in corresponding Japanese Patent Application Hei Application No. 10-358805 (and English Translation). The subject Form PTO-1449 was initialed and signed by the Examiner, and returned to the undersigned in an Office communication dated July 29, 2004. However, the subject Attachment 1(g) was not returned to the undersigned to indicate whether the subject "Notice of Reasons" had been considered by the Examiner.

Subsequent attempts to obtain an initialed copy of the subject Attachment 1(g) from the Examiner were unsuccessful, and thus it is respectfully requested that the subject application be

©2001 Staas & Halsey LLP

09/15/2004 AKELLEY 0000009 193935 09467972

01 FEB 14 2004 130.00 DA

Application No.: 09/467,972

withdrawn from Issue and that the enclosed Request for Continued Examination and Information Disclosure Statement again citing the subject "Notice of Reasons" be considered by the Examiner, and that the Examiner return to the undersigned a copy of the subject Attachment 1(g), initialed and signed by the Examiner, indicating that the Examiner has considered same.

Authorization to charge our Deposit Account for the petition fee of \$130.00 pursuant to 37 C.F.R. §1.17(h) is hereby granted.

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

In view of the foregoing, it is respectfully requested that this Petition for Withdrawal be granted.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Sept. 14, 2004

By:


Gene M. Garner II
Registration No. 34,172

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on September 14, 2004
STAAS & HALSEY
By: Daleen J. Stockley
Date Sept. 14, 2004